

AMENDMENT TO RULES COMM. PRINT 117-54

OFFERED BY MR. KELLY OF MISSISSIPPI

At the appropriate place in subtitle B of title XIII,
insert the following:

1 **SEC. ____ . ASSISTANCE TO COUNTER EXPANSION OF**
2 **ISLAMIST VIOLENT EXTREMIST ORGANIZA-**
3 **TIONS INTO AFRICA.**

4 (a) IN GENERAL.—

5 (1) PILOT PROGRAM.—The Secretary of De-
6 fense is authorized, in consultation with the Sec-
7 retary of State, to conduct a pilot program, during
8 the 2-year period beginning on the date of the enact-
9 ment of this Act, to provide assistance described in
10 paragraph (2) to military and other security forces
11 of, or associated with, the Governments of African
12 countries for the following purposes:

13 (A) Defending the national borders and
14 people of such countries from the threat posed
15 by the Islamist Violent Extremist Organizations
16 (I-VEO) and their affiliates, including Al Qaeda
17 in the Islamic Maghreb (AQIM), Jama'at
18 Nusrat Al Islam Wa Al-Muslimeen (JNIM),

1 ISIS in the Greater Sahara (ISIS-GS), and
2 ISIS in West Africa (ISIS-WA).

3 (B) Supporting stability and governance in
4 Africa, while limiting the influence of adver-
5 saries of the United States, through building
6 partner capacity with military and security
7 forces of, or associated with, African countries.

8 (2) TYPES OF ASSISTANCE.—Assistance de-
9 scribed in this paragraph includes providing train-
10 ing, equipment, logistics support, supplies, services,
11 stipends, assistance to develop, repair, renovate, and
12 sustain facilities and infrastructure, and advising
13 and assisting missions to carry out the pilot pro-
14 gram.

15 (b) NOTICE BEFORE PROVISION OF ASSISTANCE.—
16 Of the funds authorized to be appropriated under this sec-
17 tion, not more than 25 percent of such funds may be obli-
18 gated or expended for any project in a country until at
19 least 15 days after—

20 (1) the Secretary of Defense, in consultation
21 with the Secretary of State, submits to the appro-
22 priate congressional committees a report, in unclas-
23 sified form, with a classified annex as appropriate,
24 that contains—

1 (A) a description of the plan for providing
2 such assistance; and

3 (B) an identification of the countries and
4 the military and security forces designated to
5 receive such assistance; and

6 (2) the Secretary of Defense submits to the ap-
7 propriate congressional committees a report, in un-
8 classified form, with a classified annex as appro-
9 priate, that contains a description of how the assist-
10 ance to be provided supports a larger regional strat-
11 egy.

12 (c) ELEMENTS OF PLAN.—The plan required under
13 subsection (b)(1) shall include, at a minimum, a descrip-
14 tion of—

15 (1) the goals and objectives of assistance au-
16 thorized under subsection (a);

17 (2) the operations, timelines, and types of train-
18 ing, equipment, stipends, supplies, sustainment, and
19 other forms of assistance to be provided;

20 (3) the roles and contributions of the countries
21 to which the assistance is to be provided;

22 (4) the number and role of United States
23 Armed Forces personnel involved in providing the
24 assistance;

1 (5) any additional military support and
2 sustainment activities; and

3 (6) any other relevant details.

4 (d) BIENNIAL PROGRESS REPORT.—Not later than
5 90 days after the date on which the Secretary of Defense
6 submits the report required under subsection (b)(1), and
7 every 180 days thereafter during the period in which the
8 pilot program is in effect, the Secretary of Defense, in con-
9 sultation with the Secretary of State, shall provide to the
10 appropriate congressional committees a progress report
11 that, based on the most recent information, includes the
12 following:

13 (1) Any updates to or changes in the plan,
14 strategy, process, assessment requirements under
15 subsection (e), and end-use monitoring mechanisms
16 and procedures.

17 (2) A description of the military and security
18 forces receiving assistance authorized under sub-
19 section (a).

20 (3) An assessment of the operational effective-
21 ness of the military and security forces receiving as-
22 sistance authorized under subsection (a).

23 (4) An assessment of plan objectives, includ-
24 ing—

1 (A) prevention, containment, and deter-
2 rence of I-VEO threats that have been identi-
3 fied;

4 (B) prevention of safe havens and support
5 networks; and

6 (C) prevention, containment, and deter-
7 rence of terrorist attacks against citizens, infra-
8 structure, and institutions of the United States.

9 (5) An assessment of the capacity of the gov-
10 ernment of each country receiving the assistance to
11 provide security, establish governance, and provide
12 basic services to its citizenry.

13 (6) An assessment of the relationship of each
14 such government with the People's Republic of
15 China and the Russian Federation.

16 (7) A description of sustainment support pro-
17 vided to the military and security forces receiving as-
18 sistance authorized under subsection (a).

19 (8) A list of projects to develop, repair, or ren-
20 ovate facilities and infrastructure.

21 (9) A statement of the amount of funds ex-
22 pended during the period for which the report is
23 submitted.

24 (10) An assessment of the effectiveness of the
25 assistance provided under subsection (a).

1 (e) PRIOR VETTING OF COUNTRIES.—The Secretary
2 of Defense should ensure that, before providing assistance
3 to military or security forces of, or associated with, any
4 African country under subsection (a), such country is ap-
5 propriately vetted by—

6 (1) conducting assessments of such country for
7 associations with terrorist groups; and

8 (2) receiving commitments from such country
9 to promote respect for human rights and the rule of
10 law.

11 (f) APPROPRIATE CONGRESSIONAL COMMITTEES.—
12 In this section, the term “appropriate congressional com-
13 mittees” means—

14 (1) the Committee on Armed Services, the
15 Committee on Foreign Relations, and the Committee
16 on Appropriations of the Senate; and

17 (2) the Committee on Armed Services, the
18 Committee on Foreign Affairs, and the Committee
19 on Appropriations of the House of Representatives.

20 (g) FUNDING.—There is authorized to be appro-
21 priated to carry out this section \$25,0000,000 for fiscal
22 year 2023. Amounts made available pursuant to this sub-
23 section are authorized to remain available until the end
24 of the 2-year period beginning on the date of the enact-
25 ment of this Act.

1 (h) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The
2 Secretary of Defense may accept and retain contributions,
3 including assistance in-kind, from foreign governments,
4 including the government of any African country receiving
5 assistance under this section, to provide assistance author-
6 ized under subsection (a). Any funds accepted by the Sec-
7 retary under this subsection may be credited to the ac-
8 count from which funds are made available pursuant to
9 this section, and may be used to carry out this section
10 until the end of the 2-year period described in subsection
11 (g).

12 (i) CONSTRUCTION OF SECTION.—Nothing in this
13 section shall be construed to constitute a statutory author-
14 ization for the introduction of United States Armed
15 Forces into hostilities or into situations where hostilities
16 are clearly indicated by the circumstances.

17 (j) WAIVER AUTHORITY.—

18 (1) OF SECRETARY OF DEFENSE.—

19 (A) IN GENERAL.—For purposes of the
20 provision of assistance under subsection (a), the
21 Secretary of Defense may waive any provision
22 of law described in subparagraph (B), if the
23 Secretary—

24 (i) determines that such provision of
25 law would (but for the waiver) prohibit, re-

1 strict, delay, or other- wise limit the provi-
2 sion of such assistance; and

3 (ii) submits to the appropriate con-
4 gressional committees a notice of and jus-
5 tification for the waiver and the provision
6 of law to be waived.

7 (B) PROVISIONS OF LAW.—The provisions
8 of law described in this subparagraph are the
9 following:

10 (i) Any provision of law relating to
11 the acquisition of items and support serv-
12 ices.

13 (ii) Sections 40 and 40A of the Arms
14 Export Control Act (22 U.S.C. 2780 and
15 2785).

16 (2) OF PRESIDENT.—For purposes of the provi-
17 sion of assistance under subsection (a), the Presi-
18 dent may waive any provision of law, other than a
19 provision of law described in paragraph (1)(B), if
20 the President determines that it is vital to the na-
21 tional security interests of the United States to
22 waive such provision of law. Such waiver shall not
23 take effect until 15 days after the date on which the
24 President notifies the appropriate congressional com-

1 mittees of such determination and the provision of
2 law to be waived.

3 (3) REPORT.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of the enactment of this Act, the
6 President shall submit, to the appropriate con-
7 gressional committees, a report that provides a
8 list of each provision of law to be waived under
9 this subsection, and a justification for each
10 such waiver.

11 (B) UPDATE.—The President shall, not
12 later than 180 days after the date of the enact-
13 ment of this Act, submit to the appropriate con-
14 gressional committees an update of the report
15 required under subparagraph (A).

